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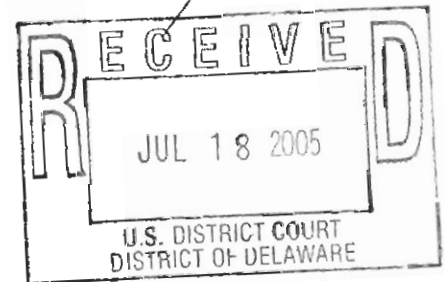
Attorneys for Defendants.

FILE  
HELENA DIVISION

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PATRICK E. DUFFY, CL

BY *Charles R. Duffy*  
DEPUTY CLERK



JUN - 8 2005 IN THE UNITED STATES DISTRICT COURT

CLERK, U.S. DISTRICT COURT FOR THE DISTRICT OF MONTANA  
DISTRICT OF MONTANA  
BUTTE DIVISION

MAGTENASSET MANAGEMENT  
CORPORATION,

Plaintiff,

v.

MIKE J. HANSON and ERNIE J. KINDT

Defendants.

Case No. CV-04-26-BU-RFC

05 - 499

**MEMORANDUM IN SUPPORT OF  
MOTION FOR EXTENSION OF TIME TO  
RESPOND TO PLAINTIFF'S INITIAL  
DISCOVERY**

As Defendants pointed out in its Motion for Protective Order Seeking Temporary Stay of Discovery, which Motion was filed with this Court simultaneously with this Motion for Extension of Time, Plaintiff Magten Asset Management Corporation ("Magten") recently served Interrogatories and Requests for Production on each Defendant. Those discovery requests are attached to the Motion for Protective Order as Exhibits 1 through 4. The discovery is extensive and broad in scope. It will take Defendants and their counsel considerable time and effort to thoroughly identify, review and produce the documents responsive to the Requests for Production and respond to the Interrogatories. Given the scope of discovery propounded by Magten, the thirty (30) days permitted by the Rules of Civil Procedure will prove an insufficient time period within which to properly respond to discovery. Defendants, therefore, request an

extension of time, permitting them an additional thirty (30) days, for a total of sixty (60) days to respond to Magten's recently served initial discovery. For all the reasons set forth in Defendant's Motion for Protective Order, Defendants request this extended time period run from the date of the Court's Order on Defendant's pending the Motion to Transfer Venue.

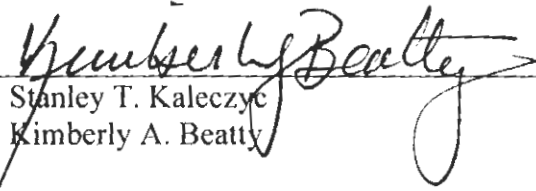
Defendants' counsel contacted Plaintiff's counsel to request (1) a thirty day extension and (2) that the extension run from the date of this Court's Order on the Motion to Transfer Venue. Plaintiff declined both requests. Plaintiff instead agreed to permit Defendants a two week extension, running from the original due date for discovery responses. Defendants believe they will need the full sixty days requested to adequately respond to discovery. This request is neither unreasonable nor subjects Plaintiff to any prejudice. Moreover, for all the reasons set forth in its Motion for Protective Order, Defendants believe that responding to discovery prior to this Court's ruling on the Motion to Transfer Venue is prejudicial, does not promote judicial economy, and may well result in wasted resources.

For these reasons, Defendants respectfully request this Court permit Defendants a full sixty (60) days to respond to the discovery propounded by Plaintiff, which time shall begin as of the date of the Court's order on the Motion to Transfer Venue.

DATED this 6th day of June 2005.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By

  
Stanley T. Kaleczyc  
Kimberly A. Beatty

Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of June, 2005, a true copy of the foregoing was mailed by first-class mail, postage prepaid, addressed as follows:

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